

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 20, 1991

ALL COUNTY LETTER NO. 91-125

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL GROUP HOME PROVIDERS

SUBJECT: RESPONSIBILITIES OF COUNTY PLACEMENT AGENCIES IN REGARD  
TO THE AID TO FAMILIES WITH DEPENDENT CHILDREN - FOSTER  
CARE (AFDC-FC) PROGRAM - MANUAL OF POLICIES AND  
PROCEDURES (MPP) SECTION 11-406.

The purpose of this letter is to inform Counties and group home providers of suggested guidelines related to the required County recommendation for new programs of new or existing group home providers, and for program changes which are more than one Rate Classification Level (RCL) greater than the original RCL determination. County and group home provider responsibilities have changed due to the group home standardized schedule of rates required by Senate Bill (SB) 370 (Chapter 1294, Statutes of 1989), which was implemented on July 1, 1990.

The suggested guidelines contained in this letter are designed to assist in the implementation of the County recommendation process while the State Department of Social Services (SDSS) develops the necessary regulations. The suggested guidelines were developed by SDSS after meeting with representatives from the County Welfare Directors' Association (CWDA), the California Conference of Local Mental Health Directors, and the Chief Probation Officers of California. The SDSS also met with and considered input on the suggested guidelines, from the statewide group home provider organizations; California Association of Services for Children and California Association of Children's Homes. The SDSS will continue to work with the above referenced agencies during the development of the regulations.

In order to help group home providers with the County recommendation process, each County welfare and probation department is requested to submit to the SDSS the name of a contact person who will be responsible for liaison with group home providers and SDSS staff regarding new programs or program changes. The details for this request are on page three of this letter.

In addition, a list of the terms and definitions used in this letter, unique to the group home rate-setting process, is enclosed.

LETTER OF RECOMMENDATION - MPP SECTION 11-406.12

The SDSS is precluded from setting a rate for a new program of a new or existing group home provider without an appropriate recommendation, per MPP 11-402.411(c) and .422(c). If the group home provider expects that the greatest percentage of children in the new program will be placed by the County in which the group home facilities are located (the host County), then a letter of recommendation is only required from that County. However, if the group home provider expects that the greatest percentage of children will be placed by another County (the primary placing County), then letters of recommendation are required from both the host County and the primary placing County. Program changes which are more than one RCL greater than the original RCL determination require a recommendation from the placing agency, per MPP Section 11-402.433. Rate applications for new programs or these program changes are not considered complete without the recommendation(s), and no rate will be established. In the absence of such a rate, a County cannot claim reimbursement under the AFDC-FC Program for the costs of out-of-home care placements.

The group home provider should request the letter of recommendation from the appropriate placing agency, (e.g. welfare or probation department) that will have the types of placements which the program is targeted to serve, or the placing agency from which the group home provider expects to receive the greatest percentage of placements. When the group home provider is requesting the recommendation, it is suggested that the request include the name, address, and location of the group home(s), and a copy of the program statement.

MPP Sections 11-406.121, .122, and .123, state the three elements that the County must apply in recommending new programs or program changes. The County must affirm that the program is needed in that County; that the provider is capable of effectively and efficiently operating the program; and that the provider is willing and able to accept AFDC-FC children for placement who are determined by the placing agency to need the level of care and services that will be provided by the program.

Counties are urged to establish their own criteria for the review of group home programs for the three elements, and have the criteria available in writing for group home providers.

Counties are expected to issue the letter of recommendation within 30 calendar days of the receipt of all of the information requested by the County.

#### A LETTER OF RECOMMENDATION SHOULD INCLUDE CERTAIN STATEMENTS

A letter of recommendation should include a statement that the County has reviewed the new program or program change on the basis of the three elements, and is giving a (positive or negative) recommendation that the SDSS establish a rate for the group home program. A negative recommendation should include the basis for the County's findings which led to the negative response.

Welfare and Institution Code Section 11462(i)(2), mandates providers to submit a recommendation from the County(ies). It is strongly recommended that the letter be signed by the Director of the Welfare Department or the Chief Probation Officer of the Probation Department or his/her designee. This will allow the SDSS the ability to ensure that the appropriate County level official has recommended the program.

#### COUNTY APPEALS PROCESS ENCOURAGED

County agencies are strongly encouraged to provide a level of informal review and appeal within the County where the group home provider may appeal either a delay in receiving the recommendation or a negative recommendation. The review should be at a higher level within the County than the person who would have approved the original negative decision.

In the absence of an appeal process within the County, the group home provider may seek relief through the courts, which would be costly and time consuming to both the County and the group home provider.

#### CONTACT PERSON NEEDED

In order to facilitate communication between group home providers and Counties, the SDSS is requesting each County welfare and probation department to designate one staff person to be the contact for group home providers who are proposing a new program or program change, and who need to request a County letter of recommendation. Further, the SDSS also requests the name of the person designated by the Welfare Director or Chief Probation Officer to sign letters of recommendation.

Within thirty days of the date of this letter, please complete and return the enclosed self-mailer form which requests the contact person's name, title, business address, phone number, and the name, title and business phone number of the County employee authorized to sign the County recommendation. Send the completed form to:

State Department of Social Services  
Foster Care Rates Bureau  
744 "P" Street, MS 19-74  
Sacramento, CA 95814


The list of names of the County agency contact persons, requested by this letter, will be given to each prospective group home provider by the Foster Care Rates Bureau (FCRB) with the rate application to facilitate the communication between the group home provider and the appropriate placing agency, within the appropriate County. A copy of the list will also be mailed to each agency contact person as soon as the list is compiled.

REPORT THE COUNTY'S UNDERSTANDING OF SERVICES OFFERED BY THE PROGRAM AND THE POPULATION SERVED - MPP 11-406.15

The SDSS may request information from time to time regarding the County's understanding of the services offered by the program and the population served. Conversely, the placing agency is encouraged to contact the FCRB whenever there is a question or concern regarding the services offered by an individual program. The County may also request, from either the group home provider or FCRB, a copy of the program statement and other information submitted to FCRB as part of the rate application process.

Continuing in regulation (MPP 11-406.13), is the requirement that the County confirm the existence and legitimacy of more than one program as appropriate.

If you have any questions regarding statewide policy of County responsibilities, please call the Foster Care Program Bureau at (916) 445-0813. If your questions are related to a specific group home program, please call the FCRB rate consultant assigned to that program at (916) 323-1263.



LOREN D. SUTER  
Deputy Director  
Adult & Family Services Division

- Encl. 1. Terms and Definitions  
2. Suggested Criteria for County Review  
3. Contact Person Self-mailer

cc: CWDA  
Group Home Consultants

## TERMS AND DEFINITIONS

**Host County:** (MPP 11-400h.(1)) "The county in which the majority of an agency's foster family homes or group home facilities are located. If the program has facilities in more than one county, the host county shall be that of the facility where the greatest number of children are placed."

**New Program:** (MPP 11-400n.(3)) "A new program provided by an existing provider is one in which:

- (A) The type of children to be accepted have measurable differences in their characteristics, behaviors, or need for care and services due to the type of background and any medical, mental, social or emotional conditions which are different than those children in the provider's existing program(s) as described in the new program statement; and
- (B) The staffing pattern is quantitatively different, whether or not the RCL changes, because:
  - (1) The number of eligible hours per child per month in at least one program component is different from the provider's existing program(s); and
  - (2) The staff's professional levels for the proposed program are disparate from those in the provider's existing program(s).

**New Provider:** (MPP 11-400n.(4)) "A sole proprietor, partnership, or corporate entity who has not operated a group home which receives funding from AFDC-FC or severely emotionally disturbed (SED) in the preceding fiscal year."

**Primary Placing County:** (MPP 11-400p.(4)) "The county(ies) which places the greatest percentage of children in the group home program."

**Program:** (MPP 11-400p.(5)) "A provider's unique combination of services to a specific population of children in one or more licensed group home facility(ies) as described in the program statement."

**Program Change:** (MPP 11-400p.(6)) "An alteration to an existing program planned by a provider to a group home that may affect, in any way, the RCL, the AFDC-FC rate, or the type of children in placement."

**Provider:** (MPP 11-400p.(8)) "A licensee of one or more group homes."

SUGGESTED GUIDELINES FOR COUNTY  
LETTER OF RECOMMENDATION

Listed below are the suggested guidelines that Counties may use to review group home programs for compliance with the three elements listed in MPP Sections 11-406.121, .122, and .123. These guidelines were developed by the SDSS as a result of meetings with representatives of the County Welfare Directors' Association, the California Conference of Local Mental Health Directors and Chief Probation Officers of California, and input received from the California Association of Children's Homes and California Association of Services for Children.

ELEMENT 1. THE PROGRAM IS NEEDED IN THAT COUNTY.

The County should compare the proposed program with the needs of children placed by the County, or awaiting placement, and determine whether the new program or program change is needed by that County.

EXAMPLE: A new group home provider has requested a letter of recommendation from County X. The program statement and follow-up discussion from the group home provider indicate the group home provider intends to provide board and care for children in a family-like environment, and to contract with a social worker as needed for individual children.

County X has 60 children in group home placement, and five children in emergency shelter awaiting placement. The five children awaiting placement need mental health treatment services. The existing 60 children are placed in group homes which offer a variety of levels of service. Group homes in County X which offer a lower level of service and a more family-oriented environment have a significant vacancy rate.

The County must decide whether the program is needed in that County. If County X determines that the program is not needed in that County, the program does not meet the requirement of the first element. However, the County should complete the review of the other two elements, and write a letter of negative recommendation which explains how the County has determined the program is not needed.

ELEMENT 2. THE PROVIDER IS CAPABLE OF EFFECTIVELY AND EFFICIENTLY OPERATING THE PROGRAM.

The County may choose to review the education and experience of the persons responsible for the program, and the fiscal condition of the group home provider based on records furnished by the group home provider. The County may choose to make a distinction between an existing group home provider, known to the County, and an entirely new group home provider, and request less information from the known group home provider.

To conduct the review, the following records are examples of documents the County may request from a group home provider:

- o Resumes of key personnel, (e.g., Executive Director or Program Director), including statements of previous or current residential care experience;
- o The proposed budget for the program under review;
- o A list of any other care facilities (i.e., community care facility, residential care facility for the elderly, child day care, or health facility) licensed to or owned by the group home provider (i.e., sole proprietor or incorporated entity) within the past five years. Include the location, license number and type of facility;
- o The latest year-end fiscal statement for all care facilities currently licensed to or owned by the group home provider.

The County may verify the licensing status for other residential programs licensed to or operated by the group home provider, and review substantiated complaints from Community Care Licensing (CCL) reports.

The group home provider is responsible for determining the availability of community and support services on which the program will depend. The County may request the group home provider to submit a statement of the availability of specific services required by the program. This may be more important to a primary placing County without firsthand knowledge of the host County's resources. Examples of community and support services and relevant questions are listed on the next page:

#### **Health Care Services:**

- o How will medical care be provided for residents? Will the medical service accept Medi-Cal patients or will alternative payments be arranged?
- o How will specialized medical services needed by the program, e.g., teen pregnancy services, be provided?

#### **Community Recreation Resources:**

- o Which community recreation resources are available?

**Police Services/Juvenile Justice System:**

- o What is the response time for emergency police services?
- o If the group home provider accepts a child from out of the County, will the host County's juvenile justice system take responsibility for this child equal to the same responsibility for a child placed by the host County?

**Emergency Shelter/Detention Facilities:**

- o If the group home provider accepts a child from out of the County, will the host County welfare department respond in case of placement failure? Will the probation department provide emergency support services, including taking the child into custody, if necessary?

**Educational Services Provided by Public Schools:**

- o If children will require special education classes, where are they located? Are they available?

**Mental Health Services:**

- o If the program projects to serve children who are emotionally disturbed, what community mental health services will be required? What services are available?

**Regional Center:**

- o If the program plans to serve developmentally disabled children, what is the location of the nearest Regional Center? What services are available?

EXAMPLE: County Y reviews the records submitted from a proposed intensive program designed to treat emotionally disturbed teenagers and finds that the proposed budget is based on full occupancy each month, and an average payment per child per month of \$6,000. The reviewer knows that full occupancy in the County is unlikely in the first year of operation, and that the Department will not set an AFDC-FC rate as high as \$6,000.



Further, the program statement shows the children will attend special education classes in the local public school. The group home provider's determination of availability of public education shows that the closest school is impacted by overcrowding and children are being bussed one hour each way to the closest school.

The County should discuss such issues with the group home provider. It is the County's responsibility to determine whether the problems are severe enough to impact the group home provider's capability of effectively and efficiently operating the program.

ELEMENT 3. THE PROVIDER IS WILLING AND ABLE TO ACCEPT AFDC-FC CHILDREN FOR PLACEMENT WHO ARE DETERMINED BY THE PLACING AGENCY TO NEED THE LEVEL OF CARE AND SERVICES THAT WILL BE PROVIDED BY THE PROGRAM.

The County may review the program statement and determine whether the level of services projected is sufficient to meet the needs of children the program is designed to serve.

If the County has previous experience with the group home provider, the County may use that experience to determine whether it is reasonable to expect that the group home provider would accept children needing the level of services projected.

EXAMPLE: County Z is asked to provide a recommendation for a program change from a group home provider who operates another group home program in the County. The County has been frustrated by having "difficult-to-place" children refused by the group home provider as the group home provider seems to accept less difficult children than described in the program statement.

The County should discuss these concerns with the group home provider. It is the County's responsibility to determine whether the group home provider will be willing and able to accept the children that the County needs placed and will provide the needed level of care and services.

In order for a County to issue a positive recommendation, the group home provider must meet the requirements of all three elements. If the group home provider does not meet the requirements of all three elements, the County cannot recommend the program.

THIS IS A SELF-MAILER  
SEE REVERSE SIDE  
FOR MAILING INSTRUCTIONS

COUNTY PLACING AGENCY CONTACT  
FOR  
FOSTER CARE GROUP HOME PROGRAMS

COUNTY \_\_\_\_\_

PLACING AGENCY (Welfare or Probation) \_\_\_\_\_

\* \* \* \* \*

NAME OF CONTACT PERSON \_\_\_\_\_

TITLE \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

\* \* \* \* \*

NAME OF COUNTY EMPLOYEE AUTHORIZED TO SIGN COUNTY LETTER OF  
RECOMMENDATION \_\_\_\_\_

TITLE \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

\* \* \* \* \*

NAME AND PHONE NUMBER OF PERSON COMPLETING THIS FORM \_\_\_\_\_

\_\_\_\_\_